

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ALEXIA WILLIAMS o/b/o  
JARVIS T. WILLIAMS**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of  
Social Security,**

**Defendant.**

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**Civil Action 08-00428-CG-B**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated January 6, 2009 is hereby **ADOPTED** as the opinion of this Court.

Accordingly, for good cause shown, it is **ORDERED** that Defendant's unopposed Motion and Memorandum for Entry of Judgment Pursuant to Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant (Doc. 17) be and hereby is **GRANTED**, and that this action is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) so that the Appeals Council will "...remand this case to an Administrative Law Judge (ALJ), who will be directed to (1) properly consider whether Plaintiff's asthmatic condition meets or equals the requirements of Listings 103.02 and 103.03; (2) update by recontacting treating sources; (3) receive testimony from a medical expert; and (4) obtain a consultative examination, if warranted." (*Id.* at 1).

This remand, pursuant to sentence four of Section 405(g), makes Plaintiff a prevailing party for purposes of the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. Shalala v. Schaefer, 509 U.S. 292 (1993).

**DONE** and **ORDERED** this 27<sup>th</sup> day of January, 2009.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE